



IN THE UNITED STATES PATENT & TRADEMARK OFFICE
RESPONSE/AMENDMENT

Case Docket No. 8004

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Dear Sir:

Transmitted herewith is an AMENDMENT for the patent application:

Inventor(s): Vincent York-Leung Wong, et al. Confirmation No. 1716

Serial No.: 09/813,251

Group Art Unit: 1761

Date Filed: March 20, 2001

Examiner: Helen F. Pratt

Title: LOW FAT NUT SPREAD COMPOSITION WITH HIGH PROTEIN AND FIBER

1. No additional fee is known to be required.
2. The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT	(Col. 2) MINUS	(Col. 3) HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA*	OTHER THAN A SMALL ENTITY	
TOTAL	*	MINUS	**	=	x \$18 =	\$
INDEP.	*	MINUS	***	=	x \$84 =	\$
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+ \$280 =	\$
					TOTAL	\$

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the highest number of total claims previously paid for is less than 20, write "20" in this space.

*** If the highest number of independent claims previously paid for is less than 3, write "3" in this space.

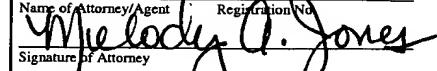
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

3. The Commissioner is hereby petitioned under 37 CFR §1.136(a) to grant any extension of time needed for timely response to the Office Action dated in the above-identified application to preserve pendency of said application. The processing fee under 37 CFR §1.17 has been determined as follows: \$ for a -month extension of time.
4. The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 16-2480. A duplicate copy of this sheet is attached.
 - a. Any patent application processing fees under 37 CFR §1.16.
 - b. Any patent application processing fees under 37 CFR §1.17.
5. The Commissioner is hereby authorized to make any additional copies of this sheet needed to accomplish the purposes provided for herein and to charge any fee for such copies to Deposit Account No. 16-2480.

Melody A. Jones
Attorney for Applicants
Registration No. 44,175
Tel. No. (513) 634-6944

Date: March 17, 2003
Customer No. 27752

17018
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on March 17, 2003

Melody A. Jones 44,175
Name of Attorney/agent Registration No.


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FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.



TOTAL AMOUNT OF PAYMENT (\$ 180.00

Complete if Known

Application Number	09/813,251
Confirmation Number	1716
Filing Date	March 20, 2001
First Named Inventor	Vincent York-Leung Wong
Examiner Name	Helen F. Pratt
Group/Art Unit	1761

Attorney Docket No. 8004

METHOD OF PAYMENT (check one)

1. The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 16-2480
 Deposit Account Name The Procter & Gamble Company

Charge Any Additional Fee Required Under status. 37 C.F.R. §§1.16 and 1.17

FEE CALCULATION

1. BASIC FILING FEE – Large Entity

Code (\$)	Fee Description	Fee Paid
1001 750	Utility filing fee	□
1002 330	Design filing fee	□
1004 750	Reissue filing fee	□
1005 160	Provisional filing fee	□

SUBTOTAL (1) (\$ 0)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE – Large Entity

	Extra Claims	Fee from Below	Fee Paid
Total Claims	□ - 20** =	□ x □ =	□
Independent Claims	□ - 3** =	□ x □ =	□
Multiple Dependent		□ =	□

** or number previously paid, if greater; For Reissues, see below

Code (\$)	Fee Description
1202 18	Claims in excess of 20
1201 84	Independent claims in excess of 3
1203 280	Multiple dependent claim, if not paid
1204 84	**Reissue independent claims over original patent
1205 18	**Reissue claims in excess of 20 & over original patent

SUBTOTAL (2) (\$ 0)

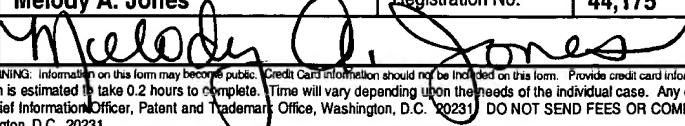
3. ADDITIONAL FEES

Code (\$)	Fee Description	Fee Paid
1051 130	Surcharge-late filing fee or oath	□
1052 50	Surcharge-late provisional filing fee or cover sheet	□
1053 130	Non-English specification	□
1812 2,520	For filing a request for <i>ex parte</i> reexamination	□
1804 920*	Requesting publication of SIR prior to Examiner's action □	
1805 1,840*	Requesting publication of SIR after Examiner's action □	
1251 110	Extension for reply within 1 st month	□
1252 410	Extension for reply within 2 nd month	□
1253 930	Extension for reply within 3 rd month	□
1254 1,450	Extension for reply within 4 th month	□
1255 1,970	Extension for reply within 5 th month	□
1401 320	Notice of Appeal	□
1402 320	Filing a brief in support of an appeal	□
1403 280	Request for oral hearing	□
1451 1,510	Petition to institute a public use proceeding	□
1452 110	Petition to revive - unavoidable	□
1453 1,300	Petition to revive - unintentional	□
1501 1,300	Utility issue fee (or reissue)	□
1502 470	Design issue fee	□
1460 130	Petitions to the Commissioner	□
1807 50	Petitions related to provisional applications (37 C.F.R. 1.17(q))	□
1806 180	Submission of Information Disclosure Statement	[X]
1809 750	Filing a submission after final rejection (37 CFR § 1.129(a))	□
1810 750	For each additional invention to be examined (37 CFR § 1.129(b))	□
1801 750	Request for Continued Examination (RCE)	□
1802 900	Request for expedited examination of a design application	□
1454 1300	Acceptance of unintentionally delayed claim for priority under 35 U.S.C. 119, 120, 121, or 365 (a) or (c)	□
Other fee (specify) _____		□
Other fee (specify) _____		□

* Reduced by Basic Filing Fee Paid

SUBTOTAL(3) (\$ 180)

Complete (if applicable)

Name (Print/Type)	Melody A. Jones	Registration No.	44,175	Telephone	(513) 634-6944
Signature				Date	March 17, 2003

WARNING: Information on this form may become public. Credit Card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231.

(Revised for P&G use 01/01/2003)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 March 17, 2003

Melody A. Jones
Name of Attorney

44,175

Registration No.

Signature of Attorney

MAR 24 2003

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MAR 31 2003
TC 1700

Case 8004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

Vincent York-Leung Wong et al. : Confirmation No.: 1716
Serial No.: 09/813,251 : Group Art Unit: 1761
Filed: March 20, 2001 : Examiner: Pratt, Helen F.

For: LOW FAT NUT SPREAD COMPOSITION WITH HIGH PROTEIN AND FIBER

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RESPONSE TO OFFICE ACTION DATED 12/17/02

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is in response to the Office Action dated 12/17/02 for the above-identified patent application. The Examiner is respectfully requested to reconsider the application in view of the following remarks. Also enclosed is a Supplemental IDS.

REMARKS

A. Status of the Case

Claims 1-64 are rejected as obvious under 35 U.S.C. §103(a) as being unpatentable over Meade [U.S. Patent 6,010,737] in view of Composition of Foods, page 112. Claims 1-64 are pending in the case.

No amendments are made herein. No new matter is added.

B. 35 U.S.C. §103(a) Obviousness Rejection

The Examiner rejects Claims 1-64 as obvious under 35 U.S.C. §103(a) as being unpatentable over Meade in view of Composition of Foods. Applicants respectfully submit that this rejection is improper because the Examiner has not established a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness under 35 U.S.C. §103(a), the prior art reference (or references when combined) must teach or suggest all the claim limitations. Furthermore, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the